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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,943	Applicant(s) ROWE, LYNN T.	
	Examiner Farzana E. Hossain	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: Claim 11 recites "...Java based player device to integrate wireless QOS" this has not been defined in the disclosure.

Appropriate correction is required.

Claim Objections

2. Claim 4 is objected to because of the following informalities: The claim recites "payback," the Office assumes --playback--. Appropriate correction is required.

3. Claim 8 is objected to because of the following informalities: The claim recites "one or more edge servers one or more Java," the Office assumes -- one or more edge servers and one or more Java --. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 5, 6, 9, 10, 12-15, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2004/0117831 and hereafter referred to as "Ellis") in view of Glover (US 6,052,780), Haun et al (US 2004/0153526 and hereafter referred to as "Haun"), Bridge (US 6,405,284) and Dziadosz et al (US 5,832,222 and hereafter referred to as "Dziadosz").

Regarding Claims 1 and 12, Ellis discloses a profile-driven system for creating, managing and distributing media objects for the presentation of synchronous broadcast and/or interactive television (TV) (Figure 1, Figure 44) programming comprising: a network operations center (Figure 1A, 13) communicating with a legacy system that provides television programming production, management and distribution functionality (Figure 1A, 11); one or more contributors (Figure 1A, 12) that access the TV programming functionality of the legacy system via an open standard any suitable communications to the NOC for the purpose of creating managing and distributing TV programming. A legacy system is an existing system that provides data to the contributors or the NOC. Ellis discloses that facilities can use telephone line to communicate data which would obviously be an existing system communicating with the NOC (Page 3, paragraph 0087). Ellis discloses one or more users, each using a media delivery device (Figure 1A, 20) that receives TV programming directly or indirectly and synchronously (Figure 1, Page 4, paragraph 0094) displays TV programming to the user through one or many delivery platforms or devices in a broadcast of interactive fashion (Figure 1A, 20). Ellis is silent on the fault tolerant multiprocessor hardware platform

operating system with a "best of breed" database and middleware executing the communication and that the communications is conducted via IP based interface.

Glover discloses the NOC or host computer system that is a multiprocessor (Column 7, lines 13-15) UNIX type Operating System (Column 6, lines 49-53). Haun discloses a server or network computer with a fault tolerant hardware platform (Pages 1-2, paragraph 0022) running a Unix type operating system (Page 2, paragraph 0032). Bridge discloses a Unix type operating system with a best of breed database or the Oracle 8 database (Column 6, lines 39-46). It would have been obvious that the Oracle 9i database will be used instead of Oracle 8, as it is the newer version and has advances including backwards compatibility. Dziadosz discloses a scaleable computer system or server having an operating system with middleware (Column 4, lines 14-21), which allows it to communicate between remote systems (Figure 2). It is the function that middleware will allow two different system to communicate or the NOC to communicate with a legacy system. Dziadosz disclose that the communication infrastructure can be IP based (Column 8, lines 8-10).

Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC is a cluster able multiprocessor UNIX type operating system (Column 7, lines 13-15, Column 6, lines 49-53) as taught by Glover in order to protect the computer system from unauthorized users (Column 3, lines 61-67, Column 4, lines 1-8) as disclosed by Glover. Further, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or network computer with a fault tolerant hardware platform (Pages 1-2, paragraph 0022) running a

Unix type operating system (Page 2, paragraph 0032) as taught by Haun in order to maintain a reliable computing environment without added cost (Page 1, paragraph 0005-0006) as disclosed by Haun. And, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or the server has an operating system with middleware (Column 4, lines 14-21) and that the communication infrastructure can be IP based (Column 8, lines 8-10) as taught by Dziadosz in order to connect two processing units to transfer data (Column 2, lines 7-16) as taught by Dziadosz. Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or the server a Unix type operating system with a best of breed database or the Oracle 8 database (Column 6, lines 39-46) as taught by Bridge in order to manage data storage devices including the addition of disk drives (Column 3, lines 11-15) as disclosed by Bridge. Moreover, the above listed hardware/software were commercially available and combinable to one of ordinary skill in the art who would want to create a cost efficient and robust system for divers compatibility.

Regarding Claims 5 and 15, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claims 1 and 12 respectively. Ellis discloses a portion of the TV programming is customized for one of the users (Page 6, paragraph 0112) including sports information (Figure 1A, 11, 15, Figures 29-30) or targeted advertising (Figure 7).

Regarding Claim 6, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 1. Ellis discloses that a profile is at the server to distinguish

between users as well as parental control features (Page 6, paragraph 0116) and preferences (Page 7, paragraph 0130).

Regarding Claim 9, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 1. Ellis discloses that the NOC, legacy systems and contributors can all communicate between suitable communications paths which reads on the integrating the legacy TV system into a unified system capable of creating, managing and simultaneous distributing profile driven, multi distribution platform TV products (Figure 1).

Regarding Claims 10 and 20, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claims 1 and 12 respectively. Ellis discloses that the main facility and the real time data sources, real-time data collection facility communicate between different communications path or the contributors and legacy system communicate with different communication paths including with each other reads on integrating hybrid, peer to peer means in the creation, management, and distribution of TV objects and programming. Ellis is silent on copy protection. Glover discloses that there is copy protection between data of a server or systems so that unauthorized viewers cannot access the information (Column 3, lines 61-67, Column 4, lines 1-8).

Regarding Claim 13, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 12. Ellis discloses displaying the TV program in an interactive manner including using a profile to determine the programming (Page 7, paragraph 120, Page 9, paragraph 130) or interactive purchasing of an advertisement or program

(Figure 7) or viewing websites relating to a program while watching the video (Figure 21) or watching the video while chatting with others (Figure 51).

Regarding Claim 14, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 12. Ellis discloses managing the TV program (Figure 1).

Regarding Claim 18, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 12. Ellis discloses that the program can be transmitted to the user via any suitable communications including the Internet, satellite distribution, cable (Figure 1A, 31, 24, Figure 1B, 24, Page 4, paragraphs 0094-0096), which reads on transcoding the TV program into another format so that it can be displayed on another media device.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Glover, Haun, Bridge, Dziadosz as applied to claim 1 above, and further in view of Knutson (US 2002/0087416).

Regarding Claim 2, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 1. Ellis, Glover, Haun, Bridge, Dziadosz are silent on the server or NOC provides a J2EE based implementation. Knutson discloses that the server provides a J2EE implementation (Figure 7 and 8). Therefore, it would have been obvious at the time the invention was made to modify Ellis the server provides a J2EE implementation (Figure 7 and 8) as taught by Knutson in order to retrieve data from the Internet based on user's profile (Page 2, paragraph 0017) as disclosed by Knutson.

7. Claim 3, 4, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Glover, Haun, Bridge, Dziadosz as applied to claim 1 above, and further in view of King et al (US 6,477,707 and hereafter referred to as "King").

Regarding Claims 3 and 16, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claims 1 and 12 respectively. Ellis discloses the TV programming is created, managed and distributed with data of the legacy system and the main facility. Ellis, Glover, Haun, Bridge, Dziadosz are silent on object oriented playlists in which the TV programming is created, managed, secured and distributed. King discloses object oriented playlists in which the TV programming is created, managed, secured and distributed or media objects of a particular program (Figure 1, Figure 8, Figure 4). Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that the object oriented playlist in which the TV programming is created, managed, secured and distributed (Figure 1, Figure 8) as taught by King in order to organize data for particular users without having broadcasters control the different media objects (Column 1, lines 32-42) as disclosed by King.

Regarding Claim 4, Ellis, Glover, Haun, Bridge, Dziadosz and King all disclose the limitations of Claim 3. King discloses that programming comprises objects whose creation (Figure 1, 40, 45, 50), management (Figure 1, 35), rights management or subscription information is encoded with the objects (Column 9, lines 25-40), and distribution (Figure 1, Figure 4) is synchronized for playback on all reception devices (Figure 1, 30).

Regarding Claim 17, Ellis, Glover, Haun, Bridge, Dziadosz and King all disclose the limitations of Claims 16. See rejection of Claims 3 and 16.

8. Claim 7, 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Glover, Haun, Bridge, Dziadosz as applied to claim 1 above, and further in view of Lauder et al (US 5,587,734 and hereafter referred to as "Lauder") and Freeman et al (US 2002/0188943 and hereafter referred to as "Freeman").

Regarding Claim 7, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claim 1. Ellis discloses the TV programming is distributed to users directly or indirectly both older programs and future TV programs (scheduled) (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Ellis, Glover, Haun, Bridge, Dziadosz are silent on the edge servers and the Java based player. Lauder discloses that the NOC distributes data to the edge server or distribution node (Figure 1, 12, Figure 2, 23). Freeman discloses that the user player or is a Java based player (Page 9, paragraph 0134). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include that the NOC distributes data to the edge server or distribution node (Figure 1, 12, Figure 2, 23) as taught by Lauder in order to have more efficient bandwidth use (Column 1, lines 23-30) as disclosed by Lauder. Therefore, it would have been obvious at the time the invention was made to modify Ellis to include that programming is distributed to a Java based player (Page 9,

paragraph 0134) as taught by Freeman in order to view web pages which are integrated to in live event (Pages 1-2, paragraph 0011) as disclosed by Freeman.

Regarding Claims 8 and 19, Ellis, Glover, Haun, Bridge, Dziadosz all disclose the limitations of Claims 1 and 12 respectively. Ellis discloses the TV programming is distributed to users directly or indirectly both real-time streaming and non-real-time store and forward program elements (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Ellis, Glover, Haun, Bridge, Dziadosz are silent on the edge servers and the Java based player. Lauder discloses that the NOC distributes data to the edge server or distribution node (Figure 1, 12, Figure 2, 23). Freeman discloses that the user player or is a Java based player (Page 9, paragraph 0134). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include that the NOC distributes data to the edge server or distribution node (Figure 1, 12, Figure 2, 23) as taught by Lauder in order to have more efficient bandwidth use (Column 1, lines 23-30) as disclosed by Lauder. Therefore, it would have been obvious at the time the invention was made to modify Ellis to include that programming is distributed to a Java based player (Page 9, paragraph 0134) as taught by Freeman in order to view web pages which are integrated to in live event (Pages 1-2, paragraph 0011) as disclosed by Freeman.

Allowable Subject Matter

9. Claims 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Ellis discloses the TV programming is distributed to users directly or indirectly both real-time streaming and non-real-time store and forward program elements (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Ellis, Glover, Haun, Bridge, Dziadosz are silent on the edge servers and the Java based player. Lauder discloses that the NOC distributes data to the edge server or distribution node (Figure 1, 12, Figure 2, 23). Freeman discloses that the user player or is a Java based player (Page 9, paragraph 0134).

The prior art of record does not suggest nor teach the following limitations (or similar limitations) in conjunction with other elements as claimed in the rejected independent claims: the system comprising an edge server and a Java based player device to integrate wireless QOS for the distribution of rich media.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Valdez, Jr. (US 6,426,778 and hereafter referred to as "Valdez") and Omoigui (US 2005/0086687).

Valdez discloses an editing and delivery system (Figure 2, 201) that synchronizes the transmission of interactive elements to the video signal (Figure 1).

Omoigui discloses a system that creates and provides information (Figure 1, 16) to the user using a profile stored on a database (Figure 1, 18) via a network operation center (Figure 1, 14).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
December 6, 2005


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